

G. When an LEA has not produced sufficient data to indicate that compliance has been met through the approved Corrective Action Plan, the department will require that an Intensive Corrective Action Plan (ICAP) be developed by the LEA in collaboration with the department to address the continuing non-compliant findings. In conjunction with the implementation of the approved plan, the department will take one or more of the following sanctions described below.

1. Advise the LEA of available sources of technical assistance that may help the LEA.

2. Direct the LEA to present the ICAP to the local school board for approval.

3. Direct the LEA to use IDEA Part B flow-through funds on the area or areas that the LEA is non-compliant. The LEA will submit evidence to the department of the specific funds targeted for areas of non-compliance. The department will monitor the expenditure of such funds on a consistent basis. The department will appoint a special consultant or management team to oversee the intensive CAP, which will be funded at the local level. The CAP appointment of the special consultant or management team must be submitted to the local school board.

4. The LDE, in collaboration with the LEA, will determine a special consultant or management team to oversee the ICAP, which will be funded at the local level. The ICAP appointment of the special consultant or management team must be submitted to the local board.

5. Identify the LEA as a high-risk grantee and impose special conditions on the LEA's IDEA Part B grant. The department will impose one or more of the following special conditions.

a. For each year of continuing non-compliance, withhold not less than 20 percent and not more than 50 percent of the LEA's IDEA Part B grant until the department determines the LEA has sufficiently addressed the areas in which the LEA needs intervention.

b. Seek to recover funds under Section 452 of the General Education Provisions Act.

c. Withhold, in whole or in part, any further payments to the LEA under this part pursuant to Subparagraph a.

d. Refer the matter for other appropriate enforcement action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005), LR 32:1839 (October 2006).

§109. Components of the Continuous Improvement Monitoring Process

A. ...

B. The monitoring system will incorporate and utilize strategies and components as listed below.

1. - 10. ...

11. Review the personnel files related to certification, experience and training documentation.

12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:416 (March 2004), amended LR 31:3106 (December 2005), LR 32:1840 (October 2006).

Chapter 3. Operational Procedures for Compliance Monitoring

§309. Activities Conducted Prior to the On-Site Visit

A. - B. ...

C. A meeting with the selected team members will be conducted to:

1. summarize, analyze, and review the school system's data;

2. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005), LR 32:1840 (October 2006).

Weegie Peabody
Executive Director

0610#010

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Control of Emissions from the
Chemical Woodpulp Industry
(LAC 33:III.2301)(AQ264)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.2301 (Log #AQ264).

LAC 33:III.2301 regulates opacity and emissions of particulate matter, sulfur oxides, and total reduced sulfur (TRS) at certain pulp manufacturing plants. 40 CFR Part 60, Subpart BB, Standards of Performance for Kraft Pulp Mills (NSPS BB), also regulates particulate, TRS, and opacity from these sources. The TRS and opacity standards established by NSPS BB are equivalent to or more stringent than those set forth in the state regulation. Therefore, in order to simplify regulatory applicability, this rule revision will provide an exemption from the TRS and opacity portions of LAC 33:III.2301 for sources subject to NSPS BB. This Rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this Rule are to simplify regulatory applicability due to overlapping state and federal regulations.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33
ENVIRONMENTAL QUALITY

Part III. Air

Chapter 23. Control of Emissions for Specific Industries¹

¹Regulation of emissions of volatile organic compounds for certain industries are presented in Chapter 21.

Subchapter A. Chemical Woodpulp Industry
§2301. Control of Emissions from the Chemical Woodpulp Industry

A. - D.4.a.ii. ...

E. Exemptions. The total reduced sulfur limitations of Paragraph D.3 of this Section and the opacity limitation of Paragraph D.4 of this Section do not apply to affected facilities subject to 40 CFR 60, Subpart BB—Standards of Performance for Kraft Pulp Mills.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1564 (December 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2454 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 32:1841 (October 2006).

Herman Robinson, CPM
Executive Counsel

0610#044

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Correction of Term Used for Version of Permit
(LAC 33:III.531)(AQ268)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.531 (Log #AQ268).

LAC 33:III.531.B.3 incorrectly uses the term "draft permit" to denote the version of the permit being referred to in the regulation. *Draft permit* is not defined in LAC 33:III.Chapter 5. *Proposed permit* is the term defined by LAC 33:III.502 and used elsewhere in Chapter 5 to denote the version of the permit for which the department offers public participation, affected-state review, or EPA review. This rule revision will correct the error. This Rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this Rule are to correct the term used to denote a proposed permit the department offers for public participation, affected-state review, or EPA review.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family

formation, stability, and autonomy as described in R.S. 49:972.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 5. Permit Procedures

§531. Public Notice and Affected State Notice

A. - B.2. ...

3. Notice of any proposed permit pertaining to a major stationary source or major modification under LAC 33:III.504, Nonattainment New Source Review Procedures, shall be provided to any affected federal land manager or Indian governing body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1841 (October 2006).

Herman Robinson, CPM
Executive Counsel

0610#046

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Emissions Factors (LAC 33:III.501)(AQ240)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.501 (Log #AQ240).

This rule clarifies requirements in LAC 33:III.919 concerning emission inventory and in LAC 33:III.507.H concerning annual compliance certification. The intent of this rule is to permit the department to determine the actual basis of apparent changes in emissions when there is an emission limit discrepancy between a facility's permitted limit (pursuant to Chapter 5) and the emission estimate reported in the facility's emission inventory statement (pursuant to Chapter 9). This rule provides a mechanism to allow the department an opportunity to assess and validate the basis of the noted emission level change. The rule clarifies how facility compliance is to be assessed when prescribed emission factors are changed. Emission factors set forth in the EPA-approved Compilation of Air Pollution Emission Factors (AP-42) and other department-approved estimation methods may be revised. A periodic review of the approved AP-42 factors or department estimation methods may cause such emission factors to be changed upward or downward due to receipt of improved data. Emissions changes due solely to changes in AP-42 factors, for some facilities, may result in changes in calculations of emissions from levels that were previously in compliance with permit limits to levels that exceed those permit limits. Those facilities that have been reporting emissions in compliance

**Comment Summary Response & Concise Statement – AQ264
Amendments to the Air Regulations
Control of Emissions from the Chemical Woodpulp Industry
LAC 33:III.2301**

COMMENT 1: — Commenter supports the proposal to revise Section 2301 of the Louisiana Administrative Code.

No arguments are necessary since the comment does not suggest amendment or change.

RESPONSE 1: — The department appreciates the support.

COMMENT 2: §2301.E — The scope of the rulemaking should be expanded to exempt sources already subject to an existing federal maximum achievable control technology (MACT) standard. Combustion sources subject to the federal national emission standards for hazardous air pollutants (NESHAP), commonly referred to as the MACT II standard, 40 CFR Part 63, Subpart MM, should be exempted because the federal MACT standard is more stringent than the older state regulation in Paragraph 2301.D.1. The Boiler MACT standard set forth in 40 CFR Part 63, Subpart DDDDD, also regulates particulate emissions and is also more stringent than the particulate standard currently referenced in Subparagraph 2301.D.1.d. The department is requested to revise the proposed exemption in Subsection 2301.E to include combustion sources already subject to federal MACT standards in order to streamline the state standard. The department is specifically requested to delete Subsection 2301.C, Subparagraph 2301.D.3.i, and Subparagraph 2301.D.4.a. The department is also requested to revise §2301.E as follows.

E. Exemptions. The particulate matter limitations of Paragraph D.1 of this Section, the total reduced sulfur limitations of Paragraph D.3 of this Section and the opacity limitation of Paragraph D.4 of this Section do not apply to affected facilities subject to 40 CFR 60, Subpart BB – Standards of Performance for Kraft Mills, 40 CFR 63, Subpart MM, or 40 CFR 63, Subpart DDDDD.

No arguments necessary since the provision in question is not part of this rulemaking.

RESPONSE 2: — The requested changes are outside of the scope of this rulemaking. The department will consider the proposed revisions separately, as the adoption of the requested exemptions would constitute a substantive change and necessitate repetition of certain rulemaking procedures.

COMMENT 3: — Clarify, either through this rulemaking or in this response to comments, that the opacity standard in LAC 33:III.Chapter 11 does not apply to recovery furnaces subject to LAC 33:III.2301. Since Section 2301 is more specific than the general opacity limit in Chapter 11, the Section 2301 regulation should take control. The general opacity standard in Chapter 11 and the specific opacity standard established for recovery furnaces in the chemical woodpulping industry are in direct conflict. Louisiana jurisprudence holds that where there is direct conflict, the last statute in order should prevail. Therefore, the regulation in Section 2301 should control. The department should clarify that the opacity standard in Chapter 11 does not apply to recovery furnaces, and should not be referenced in Part 70 permits.

No arguments necessary since the provision in question is not part of this rulemaking.

RESPONSE 3: — The emission of smoke (opacity) from certain recovery furnaces is subject to the limitations set forth in LAC 33:III.2301.D.4. LAC 33:III.1101.B also limits the emission of smoke from combustion units. Because §2301.D.4 is the more specific regulation, it should take precedence over §1101.B. Though not related to this rulemaking, this issue may be addressed in a future rulemaking.

**Comment Summary Response & Concise Statement Key – AQ264
Amendments to the Air Regulations
Control of Emissions from the Chemical Woodpulp Industry
LAC 33:III.2301**

COMMENT #

SUGGESTED BY

1

Thomas Diggs, Chief / U.S. EPA, Air Planning
Section, Region 6

2 — 3

Kyle B. Beall / Kean Miller

KEANMILLER

KEAN MILLER HAWTHORNE D'ARMOND MCCOWAN & JARMAN LLP

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8/19/06

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August 1, 2006

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Ms. Judith A. Schuerman, Ph.D.
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
P.O. Box 4302
Baton Rouge, Louisiana 70821-4302

Re: Comments of Louisiana Pulp and Paper Association (AQ264)
Control of Emissions from Chemical Woodpulp Industry, LAC 33:III.2301
Our File Number: 10532-16

Dear Dr. Schuerman:

Attached are the comments of the Louisiana Pulp and Paper Association concerning the proposed amendment to air quality regulation LAC 33:III.2301 (Log No. AQ264). The LPPA appreciates the opportunity to comment on the proposed amendment.

If you have any questions, I can be reached at (225)382-3493.

Very truly yours,

Kyle Beall

Kyle B. Beall

cc: Blaine Butaud
Gary O'Reilly

COMMENTS OF THE LOUISIANA PULP AND PAPER ASSOCIATION

Proposed Rulemaking on “Control of Emissions from the Chemical Woodpulp Industry” (LAC 33:III.2301) (AQ264)

The Louisiana Pulp and Paper Association (“LPPA”) hereby submits the attached comments to the above-referenced proposed rulemaking. The LPPA appreciates the opportunity to comment on the proposed rule and looks forward to working with the Louisiana Department of Environmental Quality (the “LDEQ” or “Department”) in its streamlining and updating effort of the Louisiana Air Quality Regulations. Separate individual comments of LPPA members may also be submitted.

I. BACKGROUND ON COMMENTER

The LPPA is a nonprofit Louisiana corporation, composed of eight member companies and located at ten pulp and paper facilities in Louisiana. The following additional factors are relevant to the pulp and paper industry in Louisiana:

- Forest industries are the second largest manufacturing employer in Louisiana, providing about 18,282 manufacturing jobs with an annual payroll in excess of \$764 million dollars. In addition, an estimated 8,000 people are employed in harvesting and transportation of timber.
- Since 1996 there has been a significant decrease in the number of employees in the industry, declining from 25,600.
- In 2003 the timber crop generated a value added of over \$2.7 billion, accounting for roughly 61% of the value added by all agricultural crops.
- The annual economic impact of forestry and forest products on Louisiana’s economy is over \$3 billion dollars.
- Severance taxes from timber sales range from \$16 to \$20 million dollars annually. Parishes where the timber was grown receive 75% of the monies; the state’s general fund receives the remaining 25% of the funds with a portion of the funds representing landowner cost share help for replanting.
- Forest products industries invested almost \$1 billion dollars in new equipment and plants in Louisiana during the last decade, reinforcing the long-term strength of forestry in our economy.
- Louisiana landowners reforested the land with over 128 million seedlings, and at least 29 trees for each Louisiana citizen.

- About 48% of Louisiana’s land area is forests, making it the state’s greatest single land use. Private, non-industrial landowners own 62% of the state’s forestland.
- Louisiana’s forests support some 180 primary wood-using industries, and 750 secondary wood-using industries located throughout the state’s rural areas.

All LPPA member companies are affected by the proposed revision to LAC 33:III.2301. The LPPA requests that the LDEQ include the comments below in any future administrative record. It further requests that all oral comments provided at any public hearing, if held, on the request for comments, and all written comments provided in connection with this rulemaking be incorporated in the administrative record for this docket. The LPPA appreciates the opportunity to submit the following comments on AQ264.

II. GENERAL COMMENTS CONCERNING THE PROPOSED RULE

In general, the LPPA supports the Department’s efforts to streamline the Louisiana Air Quality Regulations, including the proposed revision to LAC 33:III.2301. The LPPA encourages the Department to continue this effort with other state regulations that have been superseded or made redundant by newer federal technology-based control standards. As stated below, the LPPA requests that the LDEQ expand the proposed exemption to include sources already subject to federal Maximum Achievable Control Technology (MACT) standards.

III. SPECIFIC COMMENTS CONCERNING THE PROPOSED RULE

A. The LDEQ should expand the scope of the rulemaking to exempt sources already subject to an existing federal MACT standard.

AQ264 proposes the following revision to LAC 33:III.2301:

E. Exemptions. The total reduced sulfur limitations of Paragraph D.3 of this Section and the opacity limitation of Paragraph D.4 of this Section do not apply to affected facilities subject to 40 CFR 60, Subpart BB – Standards of Performance for Kraft Mills.

As stated, the LPPA supports the proposed change to Section 2301 and the efforts of the LDEQ to streamline its state regulations with the more stringent and more recent federal regulations. However, the LPPA believes that the LDEQ should include a similar exemption in proposed Subsection 2301.E to also exempt combustion sources subject to the federal NESHAP for “Chemical Recovery Combustion Sources at Kraft Soda, Sulfite,

and Stand-Alone Semichemical Pulp Mills” from the particulate emissions standard in LAC 33:III.2301.A. The above-referenced NESHAP (commonly referred to as the MACT II standard for pulp mills) is set forth in 40 C.F.R. Part 63, Subpart MM.

Section 112 of the federal Clean Air Act requires EPA to list categories and subcategories of major sources and area sources of HAP and to establish NESHAPs for the listed source categories and subcategories. Major sources of HAPs are those that have the potential to emit greater than 10 tons/year of any one HAP or 25 tons/year of any combination of HAP. Section 112 requires that EPA establish NESHAP for the control of HAP from both new and existing major sources, and also requires the NESHAP to reflect the *maximum* degree of reduction in emissions of HAP that is achievable. This level of control is commonly referred to as MACT. All LPPA member companies are major sources of HAPs, and therefore, subject to the standards required by Section 112.

The MACT floor is the minimum control level allowed for NESHAP and is defined under section 112(d)(3) of the CAA. In essence, the MACT floor ensures that the standard is set at a level that assures that all major sources achieve the level of control at least as stringent as that already achieved by the better-controlled and lower-emitting sources in each source category or subcategory. The MACT standards for existing sources cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). *See*, Clean Air Act § 112(d)(3).¹

The federal NESHAP for “Chemical Recovery Combustion Sources at Kraft Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills” (set forth in 40 C.F.R. Part 63, Subpart MM) was finalized by the EPA on January 12, 2001 (*See*, 66 Fed. Reg. 3180) with an effective date of March 13, 2001. Existing sources were, therefore, required to comply with the standard within three years, or by March 13, 2004. The federal MACT standard, in part, requires the control of particulate matter from designated combustion sources, including recovery furnaces, smelt dissolvers, and lime kilns, which are also subject to LAC 33:III.2301.D.1. The table below shows the existing standard for particulate matter for existing sources required by MACT, NSPS, and Section 2301.D.1.²

1 In developing MACT, EPA also considered control options that are more stringent than the floor and has the authority to establish standards more stringent than the floor based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and environmental impacts, and energy requirements pursuant to Clean Air Act § 112(d)(2).

2 As shown below, NSPS Subpart BB has a similar standard for particulate matter as the Subpart MM MACT standard.

Combustion Source	LAC 33:III.2301.D.1	40 CFR Part 63, Subpart MM	40 CFR Part 60, Subpart BB
Recovery Furnace	4.0 lb/equiv. pulp ton	0.044 gr/dscf (8% O ₂)	0.044 gr/dscf (8% O ₂)
Smelt Dissolving Vents	0.5 lb/equiv. pulp ton	0.2 lb/ton BLS	0.2 lb/ton BLS
Lime Kilns	1.0 lb/equiv. pulp ton	0.064 gr/dscf (8% O ₂)	0.066 gr/dscf (8% O ₂)

Although the above state and federal standards were established in different units (lb/equiv. pulp ton v. gr/dscf or BLS), it is clear that the federal MACT standard is more stringent than the older state regulation. Specifically, the particulate standard in Section 2301.D.1 is more lenient than the federal standards. Data collected by LPPA member companies demonstrate that compliance with the MACT II standard for pulp mills is more than adequate to satisfy the less stringent standard in Section 2301.D.1. The attached table (Exhibit A) to these Comments demonstrates this point. All sources listed on Exhibit A that are in compliance with the MACT II standard are well within the requirements of Section 2301.D.1. It should be noted that the use of black liquid solids fired (for smelt dissolving tanks) is a more straightforward basis of measurement, which is why the EPA chose to establish the federal MACT and NSPS standards in that unit.

In addition to the above combustion sources, LAC 33:III.2301.D.1.d also regulates particulate emissions from “boilers fueled by bark, alone or in combination with other fuels.” These sources are subject to the NESHAP for “Industrial, Commercial, and Institutional Boilers and Process Heaters” (commonly referred to as the Boiler MACT standard) set forth in 40 C.F.R. Part 63, Subpart DDDDD. The Boiler MACT was finalized by the EPA on September 13, 2004 (*See*, 69 Fed. Reg. 55,217) with an effective date of November 12, 2004. The Boiler MACT standard is also more stringent than the particulate standard currently referenced in LAC 33:III.2301.D.1.d.

In an effort to streamline the state standard with the more stringent federal standards, the LPPA requests that the Department revise the proposed exemption in Subsection 2301.E to include combustion sources already subject to federal MACT standards. The same justifications used by the LDEQ in the proposed exemptions for opacity and total reduced sulfur (TRS) should also apply to combustion sources subject to the particulate standard in Section 2301.D.1.

The LPPA has provided in Exhibit B proposed language to LAC 33:III.2301 for the Department’s consideration. The Association believes that this language may provide a more streamlined and clear exemption for each section. Specifically, the LPPA requests that Subsections 2301.C and 2301.D.3.i be deleted altogether as they are no longer necessary. In addition, the LPPA requests that Subsection 2301.D.4.a be deleted, as compliance assurance has already been designated by EPA in the MACT II standard (40 C.F.R. Part 63, Subpart MM) for combustion sources.

Alternatively, the LPPA requests that the LDEQ revise the proposed exemption as follows:

E. Exemptions. The particulate matter limitations of Paragraph D.1 of this Section, the total reduced sulfur limitations of Paragraph D.3 of this Section and the opacity limitation of Paragraph D.4 of this Section do not apply to affected facilities subject to 40 CFR 60, Subpart BB – Standards of Performance for Kraft Mills, 40 CFR 63, Subpart MM, or 40 CFR 63, Subpart DDDDD.

The LPPA believes that the above changes will result in a more efficient streamlining of the Louisiana Air Quality Regulations for chemical woodpulp operations, and is also compatible with other efforts currently being taken by the Department to achieve this goal.

B. The LDEQ should also clarify that the general opacity standard set forth in LAC 33:III.Ch.11 has been superseded by LAC 33:III.2301 and the newer federal provisions.

The LPPA requests that the Department also clarify, through this rulemaking or in its response to comments, that the opacity standard in LAC 33:III.Ch.11 does not apply to combustion sources subject to LAC 33:III.2301. Although it appears to be clear based on the regulatory history, permit writers often improperly include the Chapter 11 opacity standard as an applicable requirement in Part 70 operating permits.

State regulation of opacity in Louisiana for pulp mills is derived from two separate air quality regulations: (1) Chapter 11 of the Louisiana Air Quality Regulations, entitled “Control of Emission of Smoke,” and (2) Chapter 23, Subpart A of the LAQR entitled “Control of Emissions for Specific Industries - Chemical Woodpulp Industry.” Section 2301.D.4 sets forth the specific opacity standard for recovery furnaces in the chemical woodpulp industry:

Opacity Limitation. **The emission of smoke from the recovery furnace shall be controlled so that the shade or appearance of the emission is not darker than 40 percent average opacity** as to obscure vision to a degree equivalent to the above (See Table 4, Chapter 15) except that emitted may have an average opacity in excess of 40% for not more than one six minute period in any 60 consecutive minutes: ...

LAC 33:III.2301.D.4 (emphasis added). LAC 33:III.1101.B sets forth the general opacity standard for the control of air pollution from smoke from other combustion units:

Control of Smoke. **The emission of smoke from any combustion unit** (other than a flare, as described in LAC 33:III.1105 below) or from any type of burning in a combustion unit (other than a flare), including the incineration of industrial, commercial, institutional and municipal wastes,

shall be controlled so that the shade or appearance of the emission is not darker than 20 percent average opacity as to obscure vision to a degree equivalent to the above (see Table 4, Chapter 15) except that emitted during the cleaning of a fire box or building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal and rapping of precipitators which may have an opacity in excess of 20 percent for not more than one six minute period in any 60 consecutive minutes.

LAC 33:III.1101.B (emphasis added).

In Louisiana, it is a well-settled proposition that in the interpretation of laws, the more specific applies in lieu of the more general. *In re A.C.*, 643 So.2d 719, 730 (La. 1994). In the instant case, LAC 33:III.2301.D.4 specifically governs the opacity limit for recovery furnaces in the chemical woodpulping industry. Section 2301.D.4 requires that the emission of smoke from recovery furnaces be controlled to no greater than 40 percent average opacity. In contrast, LAC 33:III.1101 sets a general opacity limit for smoke from “any combustion unit.”² Section 1101.B requires the emission of smoke from combustion units be controlled to no darker than 20 percent average opacity. Therefore, because LAC 33:III.2301.D.4 is the more specific regulation which governs a particular piece of equipment (i.e., the recovery furnace) in a particular industry (i.e., the chemical woodpulping industry), it must control.

In addition, Louisiana caselaw has consistently held that in instances of conflict, a law specifically directed to the matter at issue must take precedence as an exception to a law more general in nature. *Horil v. Scheinhorn*, 663 So.2d 697, 699 (La. 1995); *Smith v. Cajun Insulation, Inc.*, 392 So.2d 398, 402 (La. 1980); *La. Riverboat Gaming Comm. v. La. State Police Riverboat Gaming Enforcement Div.*, 696 So.2d 645, 647 (La. App. 1st Cir. 1997). LAC 33:III.1101.B and LAC 33:III.2301.D.4 are necessarily in conflict because the former regulation sets an allowable opacity limit different than the more specific opacity limit for recovery furnaces established by LAC 33:III.2301.D.4. In conformity with the above authorities, the regulation specifically directed at a particular industry (i.e., the chemical woodpulping industry) must prevail as an exception to a regulation more general in nature (i.e., regulations governing “any combustion unit”).

Furthermore, legislation should be interpreted in a manner to give it effect rather than to render it meaningless. *State v. McInnis Brothers Construction*, 701 So.2d 937, 946 (La. 1997); *American Branch Building Corp. v. Bozeman*, 534 So.2d 1114, 1120 (La. App. 1st Cir. 1989). As previously mentioned, a specific opacity standard has been established for recovery furnaces in the chemical woodpulping industry while a general standard has been established for combustion units. However, in this instance, both

² “Combustion unit” is broadly defined to mean “any boiler plant, furnace, incinerator, or flare, or any other item of equipment designed or used for the combustion of fuel or waste material.” LAC 33:III.111 (1997).

standards cannot be implemented without rendering the more specific regulation meaningless.

Finally, Louisiana jurisprudence holds that where there is a direct conflict, the last statute in order shall prevail. *In re Sapia*, 397 So.2d 469, 473 (La. 1981). In addition, in interpreting the construction of multiple laws in reference to one another, Louisiana caselaw holds that when the provisions or terms of two laws cannot have concurrent operation, terms of the later act control. *State v. Piazza*, 596 So. 2d 817, 819 (La. 1992); *Evangeline Telephone Co. v. AT&T Communications of the South Central States*, 916 F.Supp. 598, 599 (W.D. La. 1995).

The 20 percent general opacity standard for combustion units was adopted in the May 20, 1979 amendments to the LAQR by the Louisiana Air Control Commission. 5 La. Reg. 100 (1979). A 30 percent opacity standard for recovery furnaces in the chemical woodpulping industry was originally adopted in the July 7, 1981 amendments to the LAQR by the Louisiana Environmental Control Commission. 7 La. Reg. 342 (1981). Revisions to raise this standard to 40 percent were proposed on August 21, 1981 and adopted on October 22, 1981. Because the opacity limits set forth in LAC 33:III.1101.B and LAC 33:III.2301.D.4 are in direct conflict, the *later-enacted* standard should control. The opacity standard for recovery furnaces was promulgated after the general opacity standard for combustion units. In fact, the opacity standard for recovery furnaces was raised from 30 percent to 40 percent *after* the original publication on July 7, 1981.

For the foregoing reasons, the LPPA requests that the Department clarify that the opacity standard in LAC 33:III.Ch.11 does not apply to recovery furnaces already subject to LAC 33:III.2301, and should not be referenced in Part 70 permits. Of course, this position will not change once the proposed exemption is finalized, which only references the most recent federal control requirements for sources in the chemical woodpulping sector.

EXHIBIT A

Recovery Furnace No. 1

Year	Stack Test Data	MACT II Limit	% of Limit	Stack Test Data	2301 Limit	% of Limit
	gr/dscf @ 8% O ₂	gr/dscf @ 8% O ₂		lb/ADTP	lb/ADTP	
2001	0.013	0.044	30%	0.417	4.0	10%
2002	0.005	0.044	11%	0.15	4.0	4%
2003	0.006	0.044	14%	0.116	4.0	3%
2004	0.007	0.044	16%	0.222	4.0	6%
2005	0.005	0.044	11%	0.187	4.0	5%

Recovery Furnace No. 2

Year	Stack Test Data	MACT II Limit	% of Limit	Stack Test Data	2301 Limit	% of Limit
	gr/dscf @ 8% O ₂	gr/dscf @ 8% O ₂		lb/ADTP	lb/ADTP	
2001	0.017	0.044	39%	0.522	4.0	13%
2002	0.015	0.044	34%	0.208	4.0	5%
2003	0.007	0.044	16%	0.187	4.0	5%
2004	0.021	0.044	48%	0.783	4.0	20%
2005	0.004	0.044	9%	0.247	4.0	6%

Dissolving Stack No. 1

Year	Stack Test Data	MACT II Limit	% of Limit	Stack Test Data	2301 Limit	% of Limit
	lb/ton BLS	lb/ton BLS		lb/ADTP*	lb/ADTP	
2004	0.125	0.2	63%	0.1875	0.5	38%

Dissolving Stack No. 2

Year	Stack Test Data	MACT II Limit	% of Limit	Stack Test Data	2301 Limit	% of Limit
	lb/ton BLS	lb/ton BLS		lb/ADTP*	lb/ADTP	
2004	0.097	0.2	49%	0.1455	0.5	29%

Lime Kiln

Year	Stack Test Data	MACT II Limit	% of Limit	Stack Test Data	Stack Test	2301 Limit	% of Limit
	gr/dscf @ 10% O ₂	gr/dscf @ 10% O ₂		lb/CaO	lb/ADTP*	lb/ADTP	
2004	0.028	0.064	44%	0.574	0.15785	1.0	16%

These emissions were calculated utilizing the conversion factors in 33:III.2301.C where 3000 lb BLS/ADTP and 550 lb CaO/ADTP

EXHIBIT B

Subchapter A. Chemical Woodpulp Industry

§2301. Control of Emissions from the Chemical Woodpulp Industry

A. Purpose. The purpose of this Subchapter shall be to limit the quantity of emissions from pulp manufacturing plants.

B. Scope. This Subchapter applies to manufacturing facilities for the pulping of wood and the preparation and recovery of associated chemicals by the kraft process, including combined recovery systems serving other processes such as neutral sulfite pulping.

C. General. ~~The pulp production rates referred to in this Subchapter shall be equivalent tons of unbleached air dry kraft pulp. The equivalent production rate shall be calculated as actual tons of kraft pulp or on the basis that 3,000 pounds dry solids in spent liquor represents 1 ton equivalent kraft pulp, (1,500 kilograms equals 1 metric ton). Lime kiln load shall be rated on the basis of actual kraft pulp tons or on the basis that 550 pounds of returned lime represents one ton equivalent kraft pulp, (275 kilograms equals 1 metric ton).~~

D. Emissions Limitations. No person shall cause, suffer, allow or permit emissions to the atmosphere in excess of the limitations stated in this Subchapter. Notwithstanding the specific limits set forth in this Subchapter, in order to maintain the lowest possible emission of air contaminants, the highest and best practicable treatment and control currently available shall be provided in every case of new construction and/or modernization.

1. Particulate Emissions. Emission of particulate matter shall not exceed the following limits: ~~set forth in 40 CFR 63 Subpart MM.~~

a. ~~for recovery furnaces, not more than 4.0 pounds per equivalent pulp ton, (2.0 kilograms per equivalent pulp metric ton);~~

b. ~~for smelt dissolver vents, not more than 0.5 pounds per equivalent pulp ton, (0.25 kilograms per equivalent pulp metric ton);~~

c. ~~for lime kilns, not more than 1.0 pound per equivalent pulp ton, (0.5 kilograms per equivalent pulp metric ton);~~

d. ~~for boilers fueled by bark, alone or in combination with other fuels, the provisions of LAC 33:III.1313 shall apply.~~

2. Sulfur Oxides. Emission of sulfur oxides shall not exceed the limits set forth in LAC 33:III.1503.C.

3. ~~Unless the source is subject to 40 CFR 60 Subpart BB, Total Reduced Sulfur Emissions.~~ Emissions of Total Reduced Sulfur (TRS) from existing sources specified below shall not exceed the following limits:

a. kraft recovery furnaces corrected to 8 percent oxygen by volume:

i. new design straight kraft recovery furnaces,
5 parts per million (ppm);

ii. old design straight kraft recovery furnaces,
20 ppm;

iii. cross-recovery furnaces, 25 ppm;

iv. recovery furnaces constructed prior to 1960: The department may establish emission limitations different from those specified above for the remaining useful life of the unit. The emissions limit established for each affected furnace will reflect the lowest levels of TRS emissions consistently achievable utilizing best practicable technology;

b. digester systems, 5 ppm;

c. multiple effect evaporator systems, 5 ppm;

d. lime kilns, corrected to 10 percent oxygen by volume, 20 ppm;

e. condensate stripper systems, 5 ppm;

f. smelt dissolving tanks, 0.016 grams per kilogram black liquor solids fired. ~~Compliance with the particulate emission limits of LAC 33:III.2301.D.1.b by a scrubbing device employing fresh water as the scrubbing medium make up will be accepted as evidence of adequate TRS control on smelt dissolving tanks.~~ Emission limits are given in terms of 12-hour averages. For recovery furnaces, 1 percent, and for lime kilns, 2 percent of all 12-hour TRS averages per quarter year above the specified level, under conditions of proper operation and maintenance, in the absence of start-ups, shutdowns and malfunctions, are not considered to be violations of the emission limitation. These are not running averages, but are instead for discrete contiguous 12-hour periods of time;

g. in any facility with multiple sources subject to this Subchapter, alternative TRS emission limits from individual sources shall be established upon request, using the "Bubble Concept," provided that the total emissions from all the regulated sources do not exceed those permitted above;

h. the department may establish alternative limits consistent with the purposes of this Section.

~~i. Compliance. Affected sources shall achieve final compliance with the provisions of LAC 33:III.2301.D.3 as expeditiously as practicable but not more than six years from the effective date of this Subchapter of the regulations.~~

4. Opacity Limitation. Opacity shall be limited to that proscribed in 40 CFR 63 Subpart MM. ~~The emission of smoke from the recovery furnace shall be controlled so that the shade or appearance of the emission is not darker than 40 percent average opacity as to obscure vision to a degree equivalent to the above (see LAC 33:III.1503.D.2, Table 4) except that emitted may have an average opacity in excess of 40 percent for not more than one six-minute period in _____ any 60 consecutive minutes.~~

~~a. Compliance. Owner or operators shall conduct source tests of recovery furnaces pursuant to the provisions in LAC 33:III.1503.D.2, Table 4, to confirm particulate emissions are less than that specified in Paragraph D.1 of this Section. The results shall be submitted to the Office of Environmental Assessment, Air Quality Assessment Division, as specified in LAC 33:III.919 and 918. The testing should be conducted as follows:~~

~~i. four tests at six month intervals within 24 months of promulgation of this regulation; and~~

~~ii. one test annually thereafter.~~

AUTHORITY NOTE:

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1564 (December 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2454 (November 2000), amended by the Office of the

Secretary, Legal Affairs Division, LR 31:2442 (October 2005).

Promulgated in accordance with R.S. 30:2054.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

August 2, 2006

Judith A. Schuerman, Ph. D.
Office of the Secretary
Legal Affairs Division
Louisiana Department of Environmental Quality
P.O. Box 4302
Baton Rouge, LA 70821-4302

Dear Ms. Schuerman:

Thank you for the opportunity to comment on proposed rules AQ263—Emissions Units Exemptions (LAC 33:III.2117), and AQ264—Control of Emissions from the Chemical Woodpulp Industry (LAC 33:III.2301). Our comments on these rules follow.

AQ263. We do not support the proposed new exemption rule revision.

Section 110(l) of the Act states that a SIP revision cannot be approved if the revision would interfere with attainment and maintenance of the NAAQS and PSD increments, would interfere with reasonable further progress towards attainment of the NAAQS, or any other applicable requirement of the Act.

Exemptions, including exemptions from VOC control requirements, will need to be narrowly defined and focused, be limited and specific to a certain type and category of equipment, include a well defined equipment cutoff size, specify whether the exemption is state-wide or limited to a certain Parish or facility, and have enforceable measures/safeguard such as recordkeeping and reporting measures in place for compliance and verification purposes. Furthermore, approval of an exemption by a state's administrative authority does not guarantee automatic approval of the exemption into the Louisiana SIP by EPA. We consider the proposed language to be general and broad in nature, and thus problematic for SIP approvability purposes.

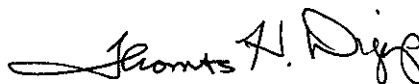
For these reasons we encourage you to utilize the State's air permitting procedures and options you have currently in place combined with the existing Variances provisions found in Section 2119 of Chapter 21 rather than adopting the proposed rule revision.

AQ264. We support the proposal to revise Section 2301 of the Louisiana Code.

Because the total reduced sulfur, particulates, and opacity from Kraft Pulp Mills is covered in New Source Performance Standards in Subpart BB, these facilities will be subject to equivalent or more stringent requirements than those set forth in Section 2301. For this reason we can support AQ264.

We appreciate the opportunity to comment on these SIP revisions. If we may be of any assistance to you in the future, please feel free to contact me or Sandra Rennie of my staff at (214) 665-7367.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas H. Diggs", with a stylized flourish at the end.

Thomas H. Diggs
Chief
Air Planning Section

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE: CONTROL OF EMISSIONS FROM THE CHEMICAL
WOODPULPING INDUSTRY
LAC 33:III.2301

LOG NO.: AQ264

The Hearing Concerning

**CONTROL OF EMISSIONS FROM THE CHEMICAL
WOODPULPING INDUSTRY
LAC 33:III.2301**

held, at the Galvez Building, Oliver Pollock
Conference Room, 602 North Fifth Street, Baton
Rouge, Louisiana, beginning at 1:38 p.m., on
July 25, 2006.

BEFORE: Megan B. Welch
Certified Court Reporter
In and For the State of
Louisiana

ASSOCIATED REPORTERS, INC. RECEIVED
(225) 216-2036

AUG 11 2006

LEDO/SEC/LARD
REGULATION DEVELOPMENT SECTION

A P P E A R A N C E S

HEARING OFFICER:
SANDY STEPHENS

1 **MS. STEPHENS:**

2 Good afternoon. My name is Sandy Stephens.
3 I'm employed with the Louisiana Department of
4 Environmental Quality. I'll be serving as the
5 hearing officer this afternoon to receive
6 comments regarding proposed amendments to the
7 Grant parish and St. Mary Parish Ozone
8 Maintenance Plans, and to the Air regulations.

9 The comment period for these amendments
10 began on June 20, 2006, when the potpourri
11 notices and notices of intent were published in
12 the *Louisiana Register*. The comment period will
13 close at 4:30 p.m. on August 24, 2006, for
14 proposed rules AQ259ft and AQ260ft, and at 4:30
15 p.m., August 1, 2006, for the remaining rules
16 and the parish maintenance plan amendments. It
17 would be helpful to us if all oral comments
18 received today were followed up in writing.

19 This public hearing provides a forum for all
20 interested parties to present comments on the
21 proposed changes. I'll ask that each person
22 commenting come up and sit at the front table
23 and begin by stating his or her name and
24 affiliation for the record.

25

1 The next amendment is designated by the Log
2 Number AQ264.

3 LAC 33.III.2301 regulates opacity and
4 emissions of particulate matter, sulfur oxides,
5 and total reduced sulfur (TRS) at certain pulp
6 manufacturing plants. 40 CFR Part 60, Subpart
7 BB, Standards of Performance for Kraft Pulp
8 Mills, also regulates particulate, TRS, and
9 opacity from these sources. The TRS and opacity
10 standards established by that federal rule are
11 equivalent to or more stringent than those set
12 forth in the state regulation. Therefore, in
13 order to simplify regulatory applicability, this
14 rule revision will provide an exemption from the
15 TRS and opacity portions of LAC 33.III.2301 for
16 sources subject to 40 CFR Part 60, Subpart BB.
17 This rule is also being proposed as a revision
18 to the Louisiana State Implementation Plan for
19 air quality.

20 Does anyone care to comment on this
21 amendment?

22 (Pause)

23 If not, the hearing on AQ264 is closed.

24

25 **(THE HEARING CONCLUDED AT 1:40 P.M.)**

1 R E P O R T E R ' S P A G E

2 I, Megan B. Welch, Certified Court Reporter,
3 in and for the State of Louisiana, the officer,
4 as defined in Rule 28 of the Federal Rules of
5 Civil Procedure and/or Article 1434(b) of the
6 Louisiana code of Civil Procedure, before whom
7 this sworn testimony was taken, do hereby state
8 on the Record

9 That due to the interaction in the
10 spontaneous discourse of this proceeding, dashes
11 (--) have been used to indicate pauses, changes
12 in thought, and/or talk overs; that same is the
13 proper method for a Court Reporters's
14 transcription of proceeding, and that the dashes
15 (--) do not indicated that words or phrases have
16 been left out of this transcript;

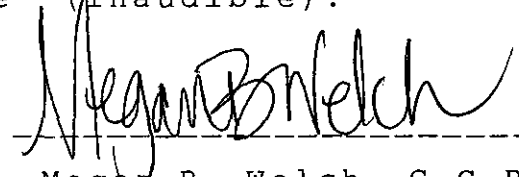
17 That any words and/or names which could not
18 be verified through reference material have been
19 denoted with the phrase "(inaudible)."

20

21

22

23



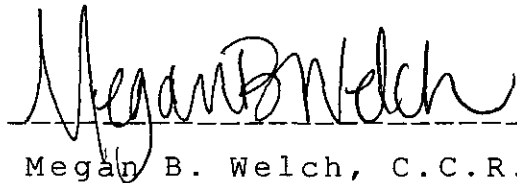
Megan B. Welch, C.C.R.

24027

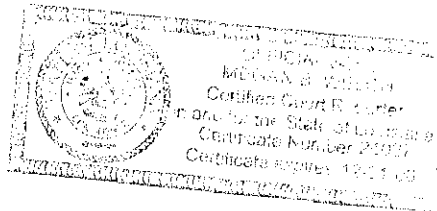
C E R T I F I C A T I O N

I, the undersigned reporter, do hereby certify that the above and foregoing is a true and correct transcription of the stenomask tape of the proceedings had herein, taken down by me and transcribed under my supervision, to the best of my ability and understanding, at the time and place hereinbefore noted, in the above entitled cause.

I further certify that my license is in good standing as a court reporter in and for the state of Louisiana.


Megan B. Welch, C.C.R.

24027



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JUN 22 2006

DEVELOPED LAND
REGULATION DEVELOPMENT SECTION

AFFIDAVIT OF PUBLICATION

AQ264

(A Correct Copy of Publication)

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Control of Emissions
from the Chemical
Woodpulp Industry
(LAC 33:III.2301)
(AQ264)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2301 (Log #AQ264).

LAC 33:III.2301 regulates opacity and emissions of particulate matter, sulfur oxides, and total reduced sulfur (TRS) at certain pulp manufacturing plants. 40 CFR Part 60, Subpart BB, Standards of Performance for Kraft Pulp Mills (NSPS BB), also regulates particulate, TRS, and opacity from these sources. The TRS and opacity standards established by NSPS BB are equivalent to or more stringent than those set forth in the state regulation. Therefore, in order to simplify regulatory applicability, this rule revision will provide an exemption from the TRS and opacity portions of LAC 33:III.2301 for sources subject to NSPS BB. This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to simplify regulatory applicability due to overlapping state and federal regulations.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on July 25, 2006, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth

Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ264. Such comments must be received no later than August 1, 2006, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ264. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

HERMAN ROBINSON,
CPM
Executive Counsel

(6) 16

I, Bill Buschmann, Classified Advertising Manager

of THE TOWN TALK, published at Alexandria,

Louisiana do solemnly swear that the

Public Notice

advertisement, as per clipping attached, was

published in the regular and entire issue of said

newspaper, and not in any supplement thereof

for one insertions commencing with the issue

dated June 16, 2006 and ending with the

issue dated June 16, 2006.

Bill Buschmann

Subscribed and sworn to before me
this 16th day of June, 2006

Notary Number 019888

07/21/06

RECEIVED BY THE PUBLIC SECTION

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

NOTICE OF INTENT

Department of Environmental
Quality
Office of the Secretary
Legal Affairs Division

Control of Emissions from the
Chemical Woodpulp Industry (LAC 33:III.2301)
(AQ264)

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Environmental Quality Act, R.S.
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accordance with the provisions
of the Administrative Procedure
Act, R.S. 49:950 et seq., the
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rulemaking procedures have
been initiated to amend the Air
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AQ264).

LAC 33:III.2301 regulates opacity
and emissions of particulate
matter, sulfur oxides, and total
reduced sulfur (TRS) at certain
pulp manufacturing plants. 40
CFR Part 60, Subpart BB,

Standards of Performance for
Kraft Pulp Mills (NSPS BB),
also regulates particulate, TRS,
and opacity from these sources.
The TRS and opacity standards
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equivalent to or more stringent
than those set forth in the state
regulation. Therefore, in order
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applicability, this rule revision
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the TRS and opacity portions of
LAC 33:III.2301 for sources
subject to NSPS BB. This rule is
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The hearing will also be for the
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Implementation Plan (SIP) to
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Interested persons are invited to
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Schuerman, Ph.D., at the
address given below or at (225)
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p.m., and should be sent to
Judith A. Schuerman, Ph.D.,
Office of the Secretary, Legal
Affairs Division, Box 4302, Baton
Rouge, LA 70821-4302 or to
FAX (225) 219-3582 or by e-mail
to judith.schuerman@la.gov.
Copies of this proposed
regulation can be purchased by
contacting the DEQ Public
Records Center at (225)
219-3168. Check or money order
is required in advance for each
copy of AQ264. This regulation
is available on the Internet at
www.deq.louisiana.gov under
Rules and Regulations.

This proposed regulation is
available for inspection at the
following DEQ office locations
from 8 a.m. until 4:30 p.m.: 602
N. Fifth Street, Baton Rouge, LA
70802; 1825 Highway 546, West
Monroe, LA 71292; State Office
Building, 1525 Fairfield Avenue,
Shreveport, LA 71101; 1301
Gadwall Street, Lake Charles,
LA 70615; 111 New Center
Drive, Lafayette, LA 70508; 110
Barataria Street, Lockport, LA
70374; 645 N. Lotus Drive, Suite
C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the
parish of Orleans, Robert J. Chiasson who deposes and
says that he is the Accounts Receivable Manager, of The
Times-Picayune Publishing Corporation, a Louisiana
Corporation, Publishers of The Times-Picayune, Daily and
Sunday, of general circulation; doing business in the City
of New Orleans and the State of Louisiana, and that the
attached **LEGAL NOITCE**

Re: Notice of intent Control of Emissions from the
Chemical Woodpulp Industry (Lac 33:III 2301)AQ264

Advertisement of Dept. of Environmental Quality

P.O. BOX 4302
Baton Rouge, La. 70821-4302

Was published in The Times Picayune

3800 Howard Ave.
New Orleans, La. 70125

On the following dates June 17, 2006

19th Day of June, 2006

Sworn to and subscribed before me this

Robert J. Chiasson

Charles A. Ferguson, Jr.
Notary Public

My commission expires at my death.
Charles A. Ferguson, Jr.

Notary identification number 23492

CAPITAL CITY PRESS

Publisher of
THE ADVOCATE

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JUL 05 2006

EDWARD J. AND
REGULATION DEVELOPMENT SECTION

PROOF OF PUBLICATION

The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the official Journal of the State of Louisiana, the City of Baton Rouge, and the Parish of East Baton Rouge, in the following issues:

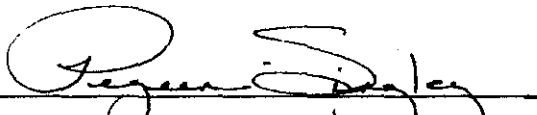
06/15/06



Susan A. Bush, Public Notices Clerk

Sworn and subscribed before me by the person whose signature appears above:

June 15, 2006



Pegeen Singley, Notary Public, #66565
My Commission Expires: Indefinite
Baton Rouge, Louisiana

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Control of Emissions from the
Chemical Woodpulp
Industry
(LAC 33:III.2301) (AQ264)

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LAC 33:III.2301 regulates opacity and emissions of particulate matter, sulfur oxides, and total reduced sulfur (TRS) at certain pulp manufacturing plants, 40 CFR Part 60, Subpart BB, Standards of Performance for Kraft Pulp Mills (NSPS BB), also regulates particulate, TRS, and opacity from these sources. The TRS and opacity standards established by NSPS BB are equivalent to or more stringent than those set forth in the state regulation. Therefore, in order to simplify regulatory applicability, this rule revision will provide an exemption from the TRS and opacity portions of LAC 33:III.2301 for sources subject to NSPS BB. This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to simplify regulatory applicability due to overlapping state and federal regulations.

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DEQ - OSEC/LARD REGULATION

3347311

REMENDER WEATHERSPOON

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BATON ROUGE

LA 70821-4314

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JUN 25 2006

Acadiana's Daily Newspaper

THE ADVERTISER

Louisiana
REGULATION DEVELOPMENT SECTION

1100 Bertrand Drive
LAFAYETTE, LA 70506

PHONE: (337) 289-6300
FAX: (337) 289-6466

AFFIDAVIT OF PUBLICATION

Remender D. Weatherspoon
LA Department of Environmental Quality
OSEC/Legal Affairs Division/
Regulation Development Section
P. O. Box 4302
Baton Rouge, LA 70821-4302

Account No.: LDEQRD
Ad Number: 612079
Ad Total: \$80.49
No. of Lines: 177
Reference No.: Visa Purchase

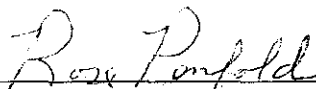
**To insure proper credit please refer to your account number
and/or ad number when making payment. Remittance address:
P.O. Box 3268, Lafayette, LA 70502-3268

I, ROSE PENFOLD, do solemnly swear that I am the LEGAL CLERK of THE ADVERTISER,
a newspaper printed and published at Lafayette, in the Parish of Lafayette, State of Louisiana, and
that from my personal knowledge and reference to the files of said publication, the advertisement of

NOTICE OF INTENT
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Control of Emissions from the Chemical Woodpulp Industry
(LAC 33:III.2301) (AQ264)

was published in **THE ADVERTISER** on the following dates:

***Wednesday, June 14, 2006**



ROSE PENFOLD
LEGAL CLERK

Sworn to and subscribed before me this 16 day of June, 2006.


NOTARY PUBLIC - ID#58555

612079-1 (11-22-2006)
NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Control of Emissions
from the Chemical
Woodpulp Industry
(LAC 33:III.2301)
(AQ264)

Under the authority
of the Environmental
Quality Act, R.S.
30:2001 et seq., and in
accordance with the
provisions of the Ad-
ministrative Procedure
Act, R.S. 49:950 et seq.,
the secretary gives no-
tice that rulemaking
procedures have been
initiated to amend the
Air regulations, LAC
33:III.2301 (Log
#AQ264).

LAC 33:III.2301 regu-
lates opacity and emis-
sions of particulate
matter, sulfur oxides,
and total reduced sul-
fur (TRS) at certain
pulp manufacturing
plants. 40 CFR Part
60, Subpart BB, Stand-
ards of Performance
for Kraft Pulp Mills
(NSPS BB), also regu-
lates particulate, TRS,
and opacity from these
sources. The TRS and
opacity standards es-
tablished by NSPS BB
are equivalent to or
more stringent than
those set forth in the
state regulation.
Therefore, in order to
simplify regulatory ap-
plicability, this rule re-
vision will provide an
exemption from the
TRS and opacity por-
tions of LAC 33:III.2301
for sources subject to
NSPS BB. This rule is
also being proposed as
a revision to the Loui-
siana State Implemen-
tation Plan for air
quality. The basis and
rationale for this rule
are to simplify regula-
tory applicability due
to overlapping state
and federal
regulations.

This proposed rule
meets an exception
listed in R.S.
30:2019(D)(2) and R.S.
49:953(G)(3); there-
fore, no report regard-
ing environmental/health
benefits and
social/economic costs
is required. This pro-
posed rule has no
known impact on fami-
ly formation, stability,
and autonomy as de-
scribed in R.S. 49:972.

A public hearing will
be held on July 25,
2006, at 1:30 p.m. in the
Galvez Building, Oliver
Pollock Conference
Room, 602 N. Fifth
Street, Baton Rouge,
LA 70802. The hearing
will also be for the re-
vision to the State Im-
plementation Plan
(SIP) to incorporate
this proposed rule. In-
terested persons are
invited to attend and
submit oral comments
on the proposed
amendments. Should
individuals with a disa-
bility need an accom-
modation in order to
participate, contact Ju-
dith A. Schuerman,
Ph.D., at the address
given below or at (225)
219-3550. Free parking
is available in the
Galvez Garage with a
validated parking
ticket.

All interested per-
sons are invited to sub-
mit written comments

on the proposed regu-
lation. Persons com-
menting should refer-
ence this proposed regu-
lation by AQ264.
Such comments must
be received no later
than August 1, 2006, at
4:30 p.m., and should
be sent to Judith A.
Schuerman, Ph.D., Of-
fice of the Secretary,
Legal Affairs Division,
Box 4302, Baton Rouge,
LA 70821-4302 or to
FAX (225) 219-3582 or
by e-mail to
judith.schuerman@la.gov.
Copies of this pro-
posed regulation can
be purchased by con-
tacting the DEQ Public
Records Center at
(225) 219-3168. Check
or money order is re-
quired in advance for
each copy of AQ264.
This regulation is
available on the Inter-
net at
www.deq.louisiana.gov
under Rules and
Regulations.

This proposed regula-
tion is available for in-
spection at the follow-
ing DEQ office loca-
tions from 8 a.m. until
4:30 p.m.: 602 N. Fifth
Street, Baton Rouge,
LA 70802; 1823 High-
way 546, West Monroe,
LA 71292; State Office
Building, 1525 Fairfield
Avenue, Shreveport,
LA 71101; 1301 Gadwall
Street, Lake Charles,
LA 70615; 111 New Cen-
ter Drive, Lafayette,
LA 70508; 110
Barataria Street,
Lockport, LA 70374; 645
N. Lotus Drive, Suite
C, Mandeville, LA
70471.

Herman Robinson,
CPM
Executive Counsel

CERTIFIED COPY

Do 6/16/06

The Times

RECEIVED

JUN 19 2006

LDFQ/OSCC/LARD
REGULATION DEVELOPMENT SECTION

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Control of Emissions
from the Chemical
Woodpulp Industry
(LAC 33:III.2301)
(AQ264)

Under the authority of
the Environmental Quali-
ty Act, R.S. 30:2001 et
seq., and in accordance
with the provisions of the
Administrative Proce-
dure Act, R.S. 49:950 et
seq., the secretary gives
notice that rulemaking
procedures have been
initiated to amend the Air
regulations, LAC
33:III.2301 (Log
#AQ264).

LAC 33:III.2301 regu-
lates opacity and emis-
sions of particulate mat-
ter, sulfur oxides, and to-
tal reduced sulfur (TRS)
at certain pulp manufac-
turing plants. 40 CFR
Part 60, Subpart BB,
Standards of Perform-
ance for Kraft Pulp Mills
(NSPS BB), also regu-
lates particulate, TRS,
and opacity from these
sources. The TRS and
opacity standards estab-
lished by NSPS BB are
equivalent to or more
stringent than those set
forth in the state regula-
tion. Therefore, in order
to simplify regulatory ap-
plicability, this rule revi-
sion will provide an ex-
emption from the TRS
and opacity portions of
LAC 33:III.2301 for sour-
ces subject to NSPS BB.
This rule is also being
proposed as a revision
to the Louisiana State
Implementation Plan for
air quality. The basis
and rationale for this rule
are to simplify regulatory
applicability due to over-
lapping state and federal
regulations.

This proposed rule
meets an exception list-

ed in R.S. 30:2019(B)(2)
and R.S. 49:953(G)(3);
therefore, no report re-
garding
environmental/health
benefits and
social/economic costs is
required. This proposed
rule has no known im-
pact on family formation,
stability, and autonomy
as described in R.S.
49:972.

PROOF OF PUBLICATION

00000

STATE OF LOUISIANA

PARISH OF CADDO

Before me, the undersigned authority, personally came and appeared

Altheas Critton, personally known to me,

Who being duly sworn, deposes and says that she is the Assistant to the
Classified Advertising Manager of The Times, and that the attached
Advertisement entitled:

NOTICE OF INTENT Department of Environmental
Quality Office of the Secretary Legal Affairs Division (AQ264)

June 14, 2006

(Signed) Altheas Critton

Sworn to and subscribed before me this 14th day of June, 2006

Diana W. Barber
(Notary)

DIANA W. BARBER, NOTARY PUBLIC # 60491
CADDO PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE

A public hearing will be held on July 25, 2006, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ264. Such comments must be received no later than August 1, 2006, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ264. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Baratania Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

The Times
June 14, 2006

CERTIFIED COPY

RECEIVED

JUN 23 2006

REGULATION DEVELOPMENT SECTION

Affidavit of Publication

NOTICE OF INTENT
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Control of Emissions
from the Chemical
Woodpulp Industry
(LAC 33:111.2301)
(AQ264)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:111.2301 (Log #AQ264).

LAC 33:111.2301 regulates opacity and emissions of particulate matter, sulfur oxides, and total reduced sulfur (TRS) at certain pulp manufacturing plants. 40 CFR Part 60, Subpart BB, Standards of Performance for Kraft Pulp Mills (NSPS BB), also regulates particulate, TRS, and opacity from these sources. The TRS and opacity standards established by NSPS BB are equivalent to or more stringent than those set forth in the state regulation. Therefore, in order to simplify regulatory applicability, this rule revision will provide an exemption from the TRS and opacity portions of LAC 33:111.2301 for sources subject to NSPS BB. This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to simplify regulatory applicability due to overlapping state and federal regulations.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

STATE OF LOUISIANA

Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Card Dickson

who being duly sworn, deposes and says:

He/She is a duly authorized agent of

LAKE CHARLES AMERICAN PRESS

a newspaper published daily at 4900 Highway 90 East,

Lake Charles, Louisiana, 70615. (Mail address: P.O. Box 2893

Lake Charles, LA 70602)

The attached Notice was published in said newspaper in its issue(s) dated:

00264875 - \$41.00

June 16, 2006

00053262
LA. DEQ OSEC/LARD
REGULATION DEVELOPMENT
REMENDER WEATHERSPOON
P.O. BOX 4302
BATON ROUGE, LA 70821-4302

Card Dickson

Duly Authorized Agent

Subscribed and sworn to before me on this 16th day of June, 2006 at
Lake Charles, LA

Gwendolyn R. Dugas

00053262

Notary Public

LA. DEQ OSEC/LARD

Gwendolyn R. Dugas
#056523

A public hearing will be held on July 25, 2006, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ264. Such comments must be received no later than August 7, 2006, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ264. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson,
CPM

Executive Counsel 11
June 16
00264875

JUL 11 2006

REGULATORY DEVELOPMENT SECTION

NOTICE OF INTENT

Department of Environmental
Quality
Office of the Secretary
Legal Affairs Division

Control of Emissions from the
Chemical Woodpulp Industry
(LAC 33:III.2301) (AQ264)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2301 (Log #AQ264).

LAC 33:III.2301 regulates opacity and emissions of particulate matter, sulfur oxides, and total reduced sulfur (TRS) at certain pulp manufacturing plants. 40 CFR Part 60, Subpart BB, Standards of Performance for Kraft Pulp Mills (NSPS BB), also regulates particulate, TRS, and opacity from these sources. The TRS and opacity standards established by NSPS BB are equivalent to or more stringent than those set forth in the state regulation. Therefore, in order to simplify regulatory applicability, this rule revision will provide an exemption from the TRS and opacity portions of LAC 33:III.2301 for sources subject to NSPS BB. This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to simplify regulatory applicability due to overlapping state and federal regulations.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on July 25, 2006, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ264. Such comments must be received no later than August 1, 2006, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ264. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 548, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Baratania Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

Monroe, LA
June 17, 2006

Publisher of

**THE NEWS-STAR
MONROE, LOUISIANA
PROOF OF PUBLICATION**

The hereto attached advertisement
Was published in the NEWS-STAR.
A daily newspaper of general circulation.
Published in Monroe, Louisiana.
Parish of Ouachita in the issues of:

June 17, 2006
Amanda Brown

LEGAL AD DEPT.

Sworn and subscribed before me by

The person whose signature appears above in Monroe, LA on this

21st day of June 2006 AD

St. L.
Steven L. Turner 43154

NOTARY PUBLIC

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., August 9, 2006, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1922—Compliance Monitoring Procedures

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The implementation costs will be approximately \$236.25 to print the revised bulletin. The revisions are largely technical in nature.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no effects on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0606#039

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Control of Emissions from the Chemical Woodpulp Industry (LAC 33:III.2301)(AQ264)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2301 (Log #AQ264).

LAC 33:III.2301 regulates opacity and emissions of particulate matter, sulfur oxides, and total reduced sulfur (TRS) at certain pulp manufacturing plants. 40 CFR Part 60, Subpart BB, Standards of Performance for Kraft Pulp Mills (NSPS BB), also regulates particulate, TRS, and opacity from these sources. The TRS and opacity standards established by NSPS BB are equivalent to or more stringent

than those set forth in the state regulation. Therefore, in order to simplify regulatory applicability, this rule revision will provide an exemption from the TRS and opacity portions of LAC 33:III.2301 for sources subject to NSPS BB. This Rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this Rule are to simplify regulatory applicability due to overlapping state and federal regulations.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33 ENVIRONMENTAL QUALITY Part III. Air

Chapter 23. Control of Emissions for Specific Industries¹

¹Regulation of emissions of volatile organic compounds for certain industries are presented in Chapter 21.

Subchapter A. Chemical Woodpulp Industry

§2301. Control of Emissions from the Chemical Woodpulp Industry

A. - D.4.a.ii. ...

E. Exemptions. The total reduced sulfur limitations of Paragraph D.3 of this Section and the opacity limitation of Paragraph D.4 of this Section do not apply to affected facilities subject to 40 CFR 60, Subpart BB—Standards of Performance for Kraft Pulp Mills.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1564 (December 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2454 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 32:

A public hearing will be held on July 25, 2006, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed Rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ264. Such comments must be received no later than August 1, 2006, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ264.

This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Control of Emissions from the Chemical Woodpulping Industry**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings to state or local governmental units as a result of this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition; no effect on employment in the public or private sector will be realized.

Herman Robinson, CPM
Executive Counsel
0606#030

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Correction of Term Used for Version of Permit (LAC 33:III.531)(AQ268)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.531 (Log #AQ268).

LAC 33:III.531.B.3 incorrectly uses the term "draft permit" to denote the version of the permit being referred to in the regulation. *Draft permit* is not defined in LAC 33:III.Chapter 5. *Proposed permit* is the term defined by LAC 33:III.502 and used elsewhere in Chapter 5 to denote the version of the permit for which the department offers public participation, affected-state review, or EPA review. This rule revision will correct the error. This Rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale

for this Rule are to correct the term used to denote a proposed permit the department offers for public participation, affected-state review, or EPA review.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33 ENVIRONMENTAL QUALITY Part III. Air

Chapter 5. Permit Procedures

§531. Public Notice and Affected State Notice

A. - B.2.

3. Notice of any proposed permit pertaining to a major stationary source or major modification under LAC 33:III.504, Nonattainment New Source Review Procedures, shall be provided to any affected federal land manager or Indian governing body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 32:

A public hearing will be held on July 25, 2006, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed Rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ268. Such comments must be received no later than August 1, 2006, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ268. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel